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OFFICE OF PETITIONS

In re Application of :
Sharif, et al. :
Application No. 09/902,986 :
Filed: July 11, 2001 :
Attorney Docket No. UNIQA-PPA2 :
Title: WEB BROWSER IMPLEMENTED IN :
AN INTERNET APPLIANCE :
DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed January 24, 2002 (Certificate of Mailing dated December 20, 2001).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on July 11, 2001. On August 24, 2001, petitioner was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, petitioner filed the instant petition (and fee) and paid the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a two month extension of time. Accompanying the petition was a declaration by April Yin, detailing the facts concerning co-inventors Bremsteller's, Knapp's, and Ivey's refusal to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirement (1)..

As to item (1), the petition and accompanying evidence have been carefully considered. However, while the declaration by Yin states that Ivey made a written refusal to execute the declaration, the petition failed to provide a copy of Ivey's written refusal. Regarding this, the Manual of Patent Examining Procedure states that, "[w]hen there is an express written refusal, a copy of the document evidencing that refusal **must** be made part of the statement of facts."¹

Moreover, it is noted that while petitioner supplied a copy of signature cards evidencing mailing of the application papers to the nonsigning inventors, no such card has been supplied for Ivey. While cards are present for inventors Knapp and Bremsteller, the third card is addressed to (and presumably signed by) a "Noman Waseq", not Glen Edward Ivey.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ MPEP 409.03(d) (emphasis added).